



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

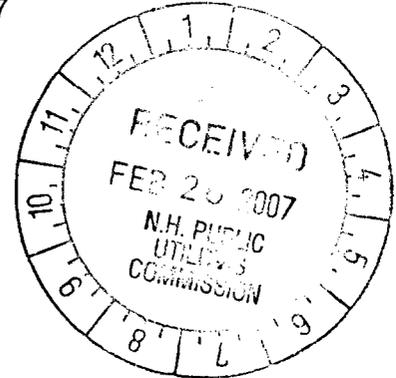
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Municipal Complex
1 Junkins Avenue
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(603) 431-2000
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February 23, 2007

Debra A. Howland
Exec. Director & Secretary
NH Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

RE: Docket No. DT 07-011



Dear Ms. Howland,

Please find enclosed for filing in the above-captioned matter an original and 8 copies of the City of Portsmouth's Petition to Intervene. A copy of the Petition has been sent today via email to those on the PUC Service List to date. Communications can be sent to me via email at: smwoodland@ch.cityofportsmouth.com.

Due to vacation schedules, it is unlikely that the City of Portsmouth will send a representative to the Prehearing Conference on February 27, 2007.

Sincerely,

Suzanne M. Woodland
Assistant City Attorney

Enclosures

Cc: Service List via email

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DM 07-011

Verizon New England, et al, and FairPoint Communications, Inc.

PETITION OF THE CITY OF PORTSMOUTH TO INTERVENE

NOW COMES the City of Portsmouth and petitions the Commission to grant the City of Portsmouth intervenor status pursuant to RSA 541-A:32 and N.H. Administrative Rule, PUC 203.02. In support of this Petition, the City of Portsmouth states as follows:

1. The City of Portsmouth is a municipal corporation organized pursuant to New Hampshire state law.
2. On 31 January 2007, Verizon New England, Inc. ("Verizon NE") Bell Atlantic Communications, Inc., NYNEX Long Distance Co., and Verizon Select Services (collectively "Verizon") and FairPoint Communications ("FairPoint") filed with the Public Utilities Commission ("Commission") a joint petition seeking approval of a series of transactions that, if consummated, would result in FairPoint (through subsidiaries) (1) acquiring the current Verizon NE franchise to provide wireline telecommunications services

in New Hampshire; and (2) owning the network that Verizon NE currently uses to provide those services.

3. The Commission issued an Order of Notice dated 7 February 2007, in which it noted: "The filing raises, inter alia, issues related to whether the proposed transactions are for the public good pursuant to the statutes referenced above [in the Order], as well as RSA Chapter 369 (governing issuance of securities)."
4. In addition to the issues noted by the Commission, the City understands that the proposed transactions also involve transfer of ownership of some of Verizon's equipment in the right-of-way including poles and conduits that are part of the transaction. This proposed transfer raises issues of whether FairPoint is capable of, and willing to, assume responsibility for: ownership of poles in the public right-of-way; pole installation, replacement and removal; responding to customer requests for service; handling maintenance obligations and maintaining the equipment safely; attachments by municipalities; and tree trimming.
5. The City's rights, duties, privileges, immunities and other substantial interests may be affected by this proceeding.
RSA 541-A:32, I (b).
6. The City of Portsmouth is responsible for managing its public ways. By statute, it is authorized to grant

licenses for poles to be located in the public ways. RSA 231:160. The City must consider the public good when approving placement of the poles.

7. Issues of safety, maintenance and emergency management are central to the City's management of the rights of way, including granting licenses for poles in the public right of way or amending those licenses as permitted by RSA 231:163, "whenever the public good requires."
8. The City will have a continuing interest in the practical implications of the Commission's actions in this matter.
9. On 24 October 2005, the Commission opened a docket, No. 05-172, specifically investigating issues related to pole ownership, management and maintenance. The City along with other municipalities petitioned to intervene and were granted intervenor status by the Commission. That docket has progressed significantly, with multiple data requests and technical sessions. The parties have been working through these substantive areas and have draft work products on several topic areas.
10. The instant docket will entail consideration of some of the same issues raised in the pole investigation. The City has the same interest in the safety and maintenance of equipment in the public rights-of-way, equitable valuation for payment of tax on use of the right-of-way, and in

municipal use of space on poles in this docket as it has in the pole investigation.

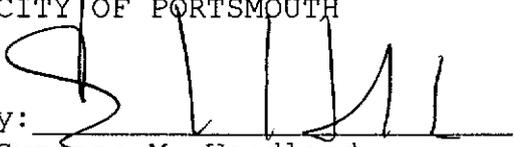
11. The City's intervention in the instant docket promotes the interest of justice and will not delay or interfere with the orderly and prompt progress of this docket. RSA 541-A:32, I (c). The City will present needed and valuable information regarding safety, maintenance and emergency management issues involving the poles in the public right of way, topics which are central to this investigation. The Commission's authority to issue orders in support of the public good includes the consideration of the interests of the City's residents and taxpayers, as well as those of the utilities involved and the rate payers.

WHEREFORE, the City of Portsmouth respectfully requests the Commission to:

- A. Grant this Petition to Intervene; and
- B. Grant such other relief as is just and reasonable.

Respectfully submitted,

CITY OF PORTSMOUTH

By: 

Suzanne M. Woodland

Assistant City Attorney

1 Junkins Avenue

Portsmouth, NH 03801

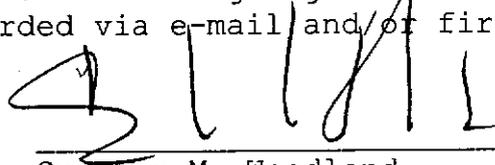
(603) 610-7240

smwoodland@ch.cityofportsmouth.com

Date: 2-23-07

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Intervene has this day been forwarded via e-mail and/or first class mail to the service list.

A handwritten signature in black ink, appearing to read 'Suzanne M. Woodland', written over a horizontal line.

Suzanne M. Woodland